

Exhibit 1

Exhibit 1 – Comparison Chart of Parties’ Proposals

<u>Issue</u>	<u>Defendants’ Proposal: Coordination Among All Cases</u>	<u>Plaintiffs’ Proposal 1A: Coordination Among Consolidated News Cases Only¹</u>	<u>Plaintiffs’ Proposal 1B: Coordination Among Class Cases Only²</u>	<u>Plaintiffs’ Proposal 2: Coordination Among NY Cases Only³</u>
Scope of Coordination / Safety Valve Depositions	<ul style="list-style-type: none"> • Unless otherwise agreed by the Parties or ordered by the Court, no fact witnesses will be deposed more than once, and all Parties will coordinate the date and location of depositions. • Deposition testimony taken in any case subject to this agreement is usable for all purposes in each case for which the deposition has been noticed as though the testimony was given in such action, provided the deponent or the deponent’s present or former employer is a Party to the action in which the testimony is sought to be used, with each Party reserving all other objections. • Before noticing a deposition of a Party or Party-Affiliated witness, the noticing Party must confer about the scheduling of the deposition with opposing counsel. Parties in receipt of a request for the deposition of a Party or Party-Affiliated witness shall make reasonable efforts to provide proposed deposition dates within 10 days of receiving the request. Parties shall make good faith efforts to accommodate reasonable requests from adverse Parties with respect to the scheduling of Party and Party-Affiliated depositions, to the extent practicable. 	<ul style="list-style-type: none"> • Absent good cause, no individual is deposed more than once across the Consolidated News Cases, unless designated as a Rule 30(b)(6) witness or an expert who issues reports in multiple cases • No Safety Valve Depositions 	<ul style="list-style-type: none"> • Absent good cause, no individual is deposed more than once across the Class Cases, unless designated as a Rule 30(b)(6) witness or an expert who issues reports in multiple cases • No Safety Valve Depositions 	<ul style="list-style-type: none"> • Counsel for plaintiffs in SDNY Cases will work in good faith to coordinate depositions across the SDNY Cases, in an effort to minimize the extent to which any individual is deposed more than once across SDNY Cases • Notwithstanding the above, the plaintiffs have the right to take up to 12 Rule 30(b)(1) depositions that are not coordinated, such that an individual will be deposed under Rule 30(b)(1) twice (once by SDNY Class Plaintiffs and once in the News cases) (“Safety Valve Depositions”). The 12 Safety Valve Depositions are to be divided equally between the News Plaintiffs and the SDNY Class Plaintiffs (six each).

¹ The Consolidated News Cases include: *The New York Times Co. v. Microsoft Corp., et al.*, (S.D.N.Y. No. 1:23-cv-11195) and *Daily News, LP, et al. v. Microsoft Corp., et al.*, (S.D.N.Y. No. 1:24-cv-3285). Proposal 1A is being made on behalf of the Plaintiffs in the Consolidated News Cases (the “News Plaintiffs”).

² The Class Cases include the SDNY Class Cases, and the California Class Cases (*Tremblay, et al. v. OpenAI, Inc., et al.*, (N.D. Cal. No. 3:23-cv-03223); *Silverman, et al. v. OpenAI, Inc., et al.*, (N.D. Cal. No. 4:23-cv-03416); *Chabon, et al. v. OpenAI, Inc, et al.*, (N.D. Cal. No. 4:23-cv-04625)). Proposal 1B is being made on behalf of the Class Plaintiffs.

³ The SDNY Cases include the News Cases, *Authors Guild et al. v. OpenAI Inc. et al.*, (S.D.N.Y. No. 1:23-cv-8292), and *Alter et al. v. OpenAI Inc. et al.*, (S.D.N.Y. No. 1:23-cv-10211). Proposal 2 is being made on behalf of the News Plaintiffs.

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	<ul style="list-style-type: none"> If a Party chooses not to notice a deposition of a fact witness, that Party may not attend the deposition, question the witness, or use the deposition in that Party’s case. 			
Cross-Production	<ul style="list-style-type: none"> Document production issues are outside the scope of this deposition protocol and are being addressed separately. 	<ul style="list-style-type: none"> Documents and written discovery cross-produced by Defendants across Consolidated News Cases (already ordered by the Court) 	<ul style="list-style-type: none"> OpenAI will cross-produce all documents and written discovery in the Class Cases, except that (1) OpenAI does not need to produce any documents to the S.D.N.Y. Class Plaintiffs that relate only to UCL claims, and (2) OpenAI does not need to produce any documents to the N.D. Cal. Class Plaintiffs that relate only to claims against Microsoft. Microsoft does not need to cross-produce documents or written discovery. 	<ul style="list-style-type: none"> Documents and written discovery cross-produced across the SDNY Cases
Plaintiff Side Allotted Hours	<ul style="list-style-type: none"> <u>Class Cases:</u> 240-hour-cap to be shared by the Class Plaintiffs, with a maximum of 105 hours for OpenAI witnesses, 85 hours for Microsoft witnesses⁴, and 50 hours for non-party fact witnesses. <u>News Cases:</u> 220-hour-cap to be shared by the News Plaintiffs, with a maximum of 85 hours for OpenAI witnesses, 85 hours for 	<ul style="list-style-type: none"> 280-hour cap to be shared by the News Plaintiffs Maximum of 200 hours per Defendant Group⁶ Maximum of 50 hours for non-party fact witnesses This cap includes time for third-party depositions and Rule 30(b)(6) depositions 	<ul style="list-style-type: none"> 280-hour cap to be shared by the Class Plaintiffs This cap includes time for third-party depositions and Rule 30(b)(6) depositions 	<ul style="list-style-type: none"> 280-hour cap to be shared by the News Plaintiffs, with a maximum of 200 hours per Defendant Group and a maximum of 50 hours for non-party fact witnesses 280-hour cap to be shared by the SDNY Class Plaintiffs These caps include third party witness depositions and 30(b)(6) depositions

⁴ Microsoft is not a party to the CA Class Cases and is not subject to deposition by the CA Class Plaintiffs unless pursuant to standard third-party deposition rules in the event a proper and enforceable subpoena is served on it therein.

⁶ The two Defendant Groups are: (1) OpenAI, Inc., OpenAI LP, OpenAI GP, LLC, OpenAI, LLC, OpenAI OpCo LLC, OpenAI Global LLC, OAI Corporation, LLC, and OpenAI Holdings, LLC, (the “OpenAI Defendants”); and (2) Microsoft Corporation. Hours caps for Party witnesses include depositions of Party-Affiliated witnesses, including former officers, directors, and/or employees of a Party.

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	<p>Microsoft witnesses, and 50 hours for non-party fact witnesses.⁵</p> <ul style="list-style-type: none"> • These caps include third party witness depositions and 30(b)(6) depositions. 			
Defendant Side Allotted Hours	<ul style="list-style-type: none"> • <u>Class Cases:</u> 300-hour-cap to be shared by Defendants, with a maximum of 250 hours for Plaintiffs’ witnesses (with Microsoft’s deposition time limited to the NY Class Cases) and 50 hours for non-party fact witnesses. • <u>News Cases:</u> 250-hour-cap to be shared by Defendants, with a maximum of 200 hours for Plaintiffs’ witnesses (of which no more than 110 hours may be spent on depositions of each Plaintiff group) and 50 hours for non-party fact witnesses.⁷ • These caps include third party witness depositions and 30(b)(6) depositions. 	<ul style="list-style-type: none"> • 250-hour cap to be shared by Defendants across Consolidated News Cases, with a maximum of 200 hours for Plaintiffs’ witnesses and 50 hours for non-party fact witnesses. • No more than 100 hours from any one Individual News Plaintiff. “Individual News Plaintiff” means The New York Times in the <i>New York Times</i> case and the publishers collectively in the <i>Daily News</i> case. 	<ul style="list-style-type: none"> • 250-hour cap to be shared by Defendants across Class Cases • No more than 10 hours from any one named Plaintiff. 	<ul style="list-style-type: none"> • 250-hour cap to be shared by Defendants for depositions of News Plaintiffs., with a maximum of 200 hours for News Plaintiffs’ witnesses and 50 hours for non-party fact witnesses. • No more than 100 hours from any one Individual News Plaintiff. “Individual News Plaintiff” means The New York Times in the <i>New York Times</i> case and the publishers collectively in the <i>Daily News</i> case. • 175-hour cap to be shared by Defendants for depositions of SDNY Class Plaintiffs.
Per-Witness Time Limits (for depositions taken of Defendants’ 30(b)(1) witnesses)	<ul style="list-style-type: none"> • For Party witnesses noticed solely in their individual capacity, 8 hours of on the record time across all cases. Notwithstanding the above, and without waiver of any Party’s ability to file motions under the “Apex” doctrine, depositions of C-Suite executives deposed solely in their individual capacity shall not exceed 7 hours of on the record time across all cases. • For Party witnesses designated to testify on 30(b)(6) topics in addition to their individual capacity, 12 hours of on the 	<ul style="list-style-type: none"> • Time limit of 10 hours per witness (if solely in individual capacity), to be shared by the News Plaintiffs as they see fit 	<ul style="list-style-type: none"> • Time limit of 10 hours per witness (if solely in individual capacity), to be shared by the Class Plaintiffs as they see fit 	<ul style="list-style-type: none"> • For witnesses noticed in all SDNY Cases, total limit is 14 hours per witness (if solely in individual capacity), divided equally between the News Plaintiffs and the SDNY Class Plaintiffs • News Plaintiffs may share unused deposition time for a given witness with SDNY Class Plaintiffs, and vice versa • For witnesses noticed only in the Consolidated News Cases, total limit is 10 hours per witness (if solely in individual capacity)

⁵ If *CIR* is consolidated with the News Cases, 10 hours will be added to the Plaintiff Side Allotted Hours for a total of a 230-hour-cap to be shared by all News Plaintiffs, with a maximum of 90 hours for OpenAI witnesses, 90 hours for Microsoft witnesses, and 50 hours for non-party fact witnesses

⁷ If *CIR* is consolidated with the News Cases, 20 hours will be added to the Defendant Side Allotted hours, for a total of a 270-hour-cap to be shared by Defendants, with a maximum of 220 hours for Plaintiffs’ witnesses (of which no more than 110 hours may be spent on depositions of each Plaintiff group) and 50 hours for non-party fact witnesses.

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	<p>record time across all cases. 30(b)(6) deposition shall occur prior to 30(b)(1) deposition, and questioning during 30(b)(1) deposition shall not duplicate questioning or topics covered during 30(b)(6) deposition.</p> <ul style="list-style-type: none"> Depositions of third parties are subject to the standard 7-hour limit, absent agreement by the third-party to extend the time limit or court order. 			
Rule 30(b)(6) Notices	<ul style="list-style-type: none"> Class Plaintiffs will serve one 30(b)(6) notice for OpenAI and one 30(b)(6) notice for Microsoft.⁸ News Plaintiffs will serve one 30(b)(6) notice for OpenAI and one 30(b)(6) notice for Microsoft. Defendants OpenAI and Microsoft will serve one 30(b)(6) notice for each distinct entity among Plaintiffs in the Class Cases and News Cases. No Party shall be permitted to serve successive 30(b)(6) notices, or amended 30(b)(6) notices with new topics, on the same entity absent the Parties’ agreement or leave of court. 	<ul style="list-style-type: none"> News Plaintiffs will serve consolidated 30(b)(6) notices Defendants will serve consolidated 30(b)(6) notices News Plaintiffs may serve up to three 30(b)(6) notices on the OpenAI Defendants, one of which must be limited to custodial topics, and up to two 30(b)(6) notices on Microsoft, one of which must be limited to custodial topics. “Custodial topics” include the storage and retention of information, employee use of software, programs, or tools, the structure of the relationship between Defendants, the organizational structure of Defendants, and other topics not directly related to the merits of the case that may reasonably inform or cabin subsequent discovery. 	<ul style="list-style-type: none"> Class Plaintiffs will serve consolidated 30(b)(6) notices Class Plaintiffs may serve up to two 30(b)(6) notices on each Defendant Group, one of which must be limited to custodial topics. “Custodial topics” include the storage and retention of information, employee use of software, programs, or tools, the structure of the relationship between Defendants, the organizational structure of Defendants, and other topics not directly related to the merits of the case that may reasonably inform or cabin subsequent discovery. 	<ul style="list-style-type: none"> The News Plaintiffs will serve consolidated 30(b)(6) notices The SDNY Class Plaintiffs will serve consolidated 30(b)(6) notices Defendants will serve consolidated 30(b)(6) notices News Plaintiffs may serve up to three 30(b)(6) notices on the OpenAI Defendants, one of which must be limited to custodial topics, and up to two 30(b)(6) notices on Microsoft, one of which must be limited to custodial topics. The SDNY Class Plaintiffs may serve up to two 30(b)(6) notices on each Defendant Group, one of which must be limited to custodial topics. “Custodial topics” include the storage and retention of information, employee use of software, programs, or tools, the structure of the relationship between Defendants, the organizational structure of Defendants, and other topics not directly related to the merits of the case that may reasonably inform or cabin subsequent discovery.

⁸ Microsoft may only be served with a 30(b)(6) notice in the NY Class Cases and Newspaper Cases; as it is not a party to the CA Class Cases, it is not subject to a 30(b)(6) notice in those cases.

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		<p>inform or cabin subsequent discovery.</p> <ul style="list-style-type: none"> • Defendants may serve one consolidated 30(b)(6) notice for each distinct entity among Plaintiffs in the News Cases. 		<p>directly related to the merits of the case that may reasonably inform or cabin subsequent discovery.</p> <ul style="list-style-type: none"> • Defendants may serve one consolidated 30(b)(6) notice for each distinct entity among Plaintiffs.
Rule 30(b)(6) Time	<ul style="list-style-type: none"> • If any Party receiving a 30(b)(6) notice designates multiple corporate representatives for testimony, the total time for 30(b)(6) testimony of that Party will be limited to a cumulative total of 21 hours of testimony on the record across all such designated corporate representatives. 	<ul style="list-style-type: none"> • If any Defendant Group designates two or fewer individuals to testify regarding all topics set forth in a Rule 30(b)(6) notice, the News Plaintiffs are entitled to at least 20 hours of testimony from those individuals or individual. • News Plaintiffs may take no more than 30 hours of 30(b)(6) deposition testimony from each Defendant Group • Defendants may take no more than 30 hours of 30(b)(6) deposition testimony in each Consolidated News Case 	<ul style="list-style-type: none"> • If any Defendant designates two or fewer individuals to testify regarding all topics set forth in a Rule 30(b)(6) notice, the class cases are entitled to at least 20 hours of testimony from those individuals or individual. 	<ul style="list-style-type: none"> • If any Defendant Group designates two or fewer individuals to testify regarding all topics set forth in a Rule 30(b)(6) notice, the Plaintiff Group is entitled to at least 20 hours of testimony from those individuals or individual. • Each Plaintiff Group may take no more than 30 hours of 30(b)(6) deposition testimony from each Defendant Group • Each Defendant may take no more than 30 hours of 30(b)(6) deposition testimony from News Plaintiffs and no more than 30 hours of 30(b)(6) deposition testimony from SDNY Class Plaintiffs
Expert Depositions	<ul style="list-style-type: none"> • This agreement does not apply to and shall not limit the number and duration of depositions of experts. • The Parties shall endeavor to negotiate in good faith a separate protocol governing expert depositions. 	<ul style="list-style-type: none"> • This agreement does not apply to and shall not limit the number and duration of depositions of experts. • The Parties shall endeavor to negotiate in good faith a separate protocol governing expert depositions. 	<ul style="list-style-type: none"> • This agreement does not apply to and shall not limit the number and duration of depositions of experts. • The Parties shall endeavor to negotiate in good faith a separate protocol governing expert depositions. 	<ul style="list-style-type: none"> • This agreement does not apply to and shall not limit the number and duration of depositions of experts. • The Parties shall endeavor to negotiate in good faith a separate protocol governing expert depositions.